

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Fleming et al.

Serial No.:

10/637,178

Filed:

August 8, 2003

For:

**Networks, Systems and Methods for Routing
Data Traffic within a Telephone Network
Based on Available Resources**

Group Art Unit:

2614

Examiner:

Knowlin, Thjuan

Docket No.:

190251-1771

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Statement of Reasons for Allowance includes some broad conclusory statements that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicants provide the following comments.

First, Applicants assert that there are multiple grounds supporting allowance of the presently pending claims, including grounds in addition to those stated in the Statement of Reasons for Allowance. Accordingly, it should not be assumed that Applicants agree with the accuracy of the characterizations of the cited references and the claim elements in the Statement of Reasons for Allowance. For example, Applicants note that paragraph 2 of the Statement of Reasons for Allowance refers to “the SCP” in connection with claims 1, 10, and 15, but claims 10 and 15 do not recite the “the SCP”. Also, paragraph 3 of the Statement of Reasons for Allowance indicates that an intelligent traffic routing and control unit (INTRAC) “receives the query, processes the query, and then provides the routing directions for the call in response to the query”. However, claims 1, 10, and 15 do not use the language “receive” or “process” in connection with an INTRAC.

Second, in accordance with 35 U.S.C. Section 282: “Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.” Thus, any dependent claims that are not addressed by the Statement of Reasons for Allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Statement of Reasons for Allowance.

Respectfully submitted,

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